

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 202004729	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 8:00 PM	Location of Incident: Fort Greene Park	Precinct: 88	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/22/2020 5:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/22/2020 5:00 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Ryon Malcolm	00000	925654	088 PCT
2. CCA Jeffrey Maddrey	00000	899501	C A B
3. COD Terence Monahan	00000	876747	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. An officer	Force: An officer used physical force against an individual.	
C. An officer	Force: An officer used physical force against an individual.	
D. An officer	Force: An officer used physical force against § 87(2)(b)	
E. An officer	Force: An officer used physical force against § 87(2)(b)	
F. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	

Case Summary

On June 22, 2020, while being interviewed about CCRB case # 202003717, § 87(2)(b) filed this complaint with the CCRB by phone on behalf of himself and an unidentified individual.

On May 29, 2020, at approximately 8:00 p.m., § 87(2)(b) and a group of four friends were amongst a crowd of several hundred Black Lives Matter protesters in the vicinity of Fort Greene Park in Brooklyn. Officers posted at the park ordered protesters to stay on the sidewalk. § 87(2)(b) momentarily stepped off the sidewalk and an officer (PO1) allegedly pushed him in the back (**Allegation A – Force**, § 87(2)(g)). § 87(2)(b) and his friends continued marching and chanting, eventually moving into the street when it appeared officers were leaving the area. § 87(2)(b) and a friend of his, whom he refused to identify, encountered a line of officers in the street. An officer (PO2) allegedly pushed and swung his fist at § 87(2)(b) friend (**Allegation B-C – Force**, § 87(2)(g)). An officer (PO3) allegedly punched § 87(2)(b) in the head (**Allegation D – Force**, § 87(2)(g)). An officer (PO4) allegedly pushed § 87(2)(b) (**Allegations E – Force**, § 87(2)(g)). Officers allegedly spoke discourteously toward § 87(2)(b) (**Allegation F – Discourtesy**, § 87(2)(g)). § 87(2)(b) and his friends continued marching and left the park. No known arrests or summonses resulted from this incident.

The only body-worn camera (BWC) footage obtained from the NYPD was determined to be unrelated to this incident (**Board Review 12-45**). A request for TARU footage returned video which was unrelated to this incident (**Board Review 46**).

Allegation (A) Force: An officer used physical force against § 87(2)(b)

Allegation (B) Force: An officer used physical force against § 87(2)(b)

Allegation (C) Force: An officer used physical force against § 87(2)(b)

Allegation (D) Force: An officer used physical force against § 87(2)(b)

Allegation (E) Force: An officer used physical force against § 87(2)(b)

Allegation (F) Discourtesy: Officers spoke discourteously to § 87(2)(b)

Known facts and general descriptions:

§ 87(2)(b) testified that after attending a protest at the Barclay's Center earlier that night, he marched to Fort Greene Park. While marching on the sidewalk adjacent to the park, he lost his footing momentarily and one of his feet went off the sidewalk and onto the street (**Board Review 01**). An officer (PO1), who § 87(2)(b) did not see, pushed § 87(2)(b) in the back from behind. § 87(2)(b) turned around and observed a group of four officers who were all white men, approximately 6'0" tall, wearing blue uniforms and PPE masks. § 87(2)(b) and his friends continued marching on the sidewalk.

Protesters began marching in the street. An officer (PO2), described as a black man, 6'2" tall, completely bald, weighing over 200 pounds, and dressed in a uniform with a white shirt, pushed and swung a closed fist at an unidentified friend of § 87(2)(b). § 87(2)(b) did not know if the officer struck his friend. § 87(2)(b) stepped in between his friend and the officer, with his back toward the officers. An officer (PO3), described as a Hispanic woman, who stood 5'6" tall, with dark hair, and dressed in a blue uniform, punched § 87(2)(b) in the back of the head. § 87(2)(b) believed this was PO3 because when he turned, around he saw her arm extended toward him with her hand still balled into a fist. § 87(2)(b) yelled at PO3 about her having hit him. Another officer (PO4), who § 87(2)(b) could only describe as a man in a blue uniform, grabbed § 87(2)(b) by the shirt collar, without making contact with his neck or restricting his breathing, and pushed him backwards. Due to being punched and pushed, § 87(2)(b) sustained pain to his head and back for which he did not seek medical treatment. § 87(2)(b) walked back onto the

sidewalk. PO2 entered a black Impala by himself and drove away from the area. Officers, § 87(2)(b) could not remember who, directed profanities toward § 87(2)(b) § 87(2)(b) could not describe who made these statements or what specific statements were made. § 87(2)(b) and his friends left the area without ever being issued summonses or being arrested.

BWC:

Two BWC footage requests were submitted for this case and yielded 33 BWC videos. The first request included the time, date, and location of the incident. The second request listed potential subject officers who were identified based on the Detail Rosters received from the NYPD. The NYPD Legal Bureau's listed search criteria for these requests included officers from the 88th Precinct, Strategic Response Group, Critical Response Command, Emergency Service Unit, and Narcotics Units.

The first request yielded 25 videos, which captured interactions at different protests (outside the Barclays Center and the Atlantic Terminal Mall in Brooklyn). None of these videos captured any interactions at Fort Greene Park (**Board Review 12-36**). A second request for BWC footage, which listed officers identified from the Detail Roster, returned eight videos that captured interactions at the Barclays Center and at several locations that could not be definitively identified. However, none of these videos captured any incidents at Fort Greene Park or any incident similar to that which § 87(2)(b) described in this complaint (**Board Review 37-44**). BWC footage was received for Captain Ryon Malcolm, the Commanding Officer of the 88th Precinct, which only captured an incident outside of the 88th Precinct stationhouse (**Board Review 45**).

NYPD Documents Reviewed:

A request to the IAB-CCRB Liaison returned no Threat, Resistance, and Injury (TRI) Report related to § 87(2)(b) (**Board Review 48**).

The 88th Precinct Event Summary and Resource Recap Log did not reveal any events for incidents at Fort Greene Park (**Board Review 02**). Event documents were received related to numerous events within the confines of the 88th Precinct, including the 88th Precinct stationhouse (**Board Review 03**). Collectively, the event documents reflect a series of requests for assistance from officers in response to reports of various incidents, including large groups of demonstrators, objects being thrown at officers, fireworks being set off, police vehicles being vandalized and destroyed, individuals fighting, and gunshots being fired. A search of the NYPD's Booking and Arraignment Disposition System (BADs) did not reveal any arrests made at the incident location (**Board Review 47**).

A request to Patrol Borough Brooklyn North returned a 59-page Detail Roster which listed officers from commands throughout NYC being deployed to various locations within the Patrol Borough Brooklyn North including Fort Greene, Brooklyn Bridge, Manhattan Bridge, Cadman Plaza, Albee Square, and other locations (**Board Review 04**). From this Detail Roster, 16 pages listed officers who originated from various commands in Manhattan and were deployed to Fort Greene. From the Fort Greene pages, 35 white men and 10 Hispanic women were listed as having been deployed to Fort Greene. The Detail Roster did not list any black men of the rank Lieutenant or above (who would have been wearing a uniform with a white shirt). The 88th Precinct Roll Call listed nine white men, no black men who would have been wearing a uniform with a white shirt, and no Hispanic women (**Board Review 05**).

Concurrent Investigations:

No concurrent investigations were pursued related to this complaint.

Ranking Officers:

Chief Jeffrey Maddrey, the Borough Commander of Patrol Borough Brooklyn North (which encompasses the 88th Precinct) on the incident date, testified that he had responded to the Barclays Center protest after hearing a request for police assistance over the radio (**Board Review 07**). At about 8:30 p.m., Chief Maddrey left the Barclays Center and went directly to the 88th Precinct stationhouse after receiving a phone call from Chief Terrence Monahan, the Chief of Patrol, informing him that protesters were planning to attack the stationhouse and burn it down. Chief Maddrey oversaw a confrontation between protestors and officers at the stationhouse, in which a crowd of over 250 protestors engaged in violent actions such as throwing bricks and other objects at officers and lighting fires. Chief Maddrey broadcast a radio message for additional units because he and the group of 20-25 officers outside the stationhouse were greatly outnumbered. While Chief Maddrey oversaw the incident at the stationhouse, he was unaware of events at Fort Greene Park and did not issue any instructions to officers regarding any incident at Fort Greene Park.

After the stationhouse was secured, Chief Maddrey went to Fort Greene Park after hearing that police vehicles had been set on fire. Chief Maddrey arrived and observed that a police van was on fire. Officers were on scene, but Chief Maddrey did not remember which officers were there or who was overseeing police actions there. Protestors were standing around, but there was no confrontation taking place between officers and protestors by the time Chief Maddrey arrived. Chief Maddrey denied using force against any protestors at Fort Greene Park and denied seeing any officer do so. Chief Maddrey denied that he or any officer used profanity toward any protestor while he was there. Chief Maddrey did not recall issuing any orders to officers to disperse the protestors at the park. Chief Maddrey did not know which officers responded to the 88th Precinct in response to requests for assistance. No records were generated by the 88th Precinct to document which officers responded to which locations within the 88th Precinct due to the chaotic events of the evening. Chief Maddrey was working in an unmarked black Ford Explorer on the incident date.

Captain Ryon Malcolm, Commanding Officer of the 88th Precinct, testified that he was not scheduled to work on the incident date, but received information that large demonstrations were expected in Brooklyn, so he reported to his command to provide any necessary assistance (**Board Review 06**). Captain Malcolm drove to the Barclays Center to see what was happening. At about 6:30 p.m., Captain Malcolm observed a large group of 1000-2000 protestors leave the Barclays Center and march toward Fort Greene Park, which is located within his command. Captain Malcolm followed the protestors to Fort Greene Park in his unmarked grey Ford Taurus. Some protestors marched into the park while others marched in the street alongside vehicular traffic. A small number of officers (about 20) from the 88th Precinct, Captain Malcolm did not remember who, had responded to Fort Greene Park to try and direct the protestors out of the roadway. Captain Malcolm and officers gave verbal commands to protestors to stay on the sidewalk. However, because the officers were so greatly outnumbered, nothing else was done to keep the protestors out of the street. Captain Malcolm did not issue any orders to officers about using force to keep protestors out of the street. Captain Malcolm did not use any force against any protestor and did not observe any other officer do so. Captain Malcolm did not use profanity toward any protestor and did not observe any officer do so. Captain Malcolm described the demeanor of the protest as calm when he was there. Captain Malcolm left Fort Greene Park and went to the 88th Precinct stationhouse after hearing that protestors were headed there. Captain Malcolm ordered the 88th Precinct officers to return to the stationhouse. He did not know which officers if any arrived at Fort Greene Park after he left.

Officers Interviewed:

Captain Malcolm and Chief Maddrey were interviewed as subjects in this matter due to their positions as high-ranking officers and because they matched the general physical description of

PO2, the subject officer who allegedly pushed and punched § 87(2)(b) unidentified friend. Captain Malcolm is a black man, who stands 6'3" tall, weighs 225 pounds, is bald, and has brown eyes. Chief Maddrey is a black man, who stands 5'11" tall, weighs 280 pounds, has black hair, and brown eyes. Captain Malcolm and Chief Maddrey both denied using force or profanity against anyone at Fort Greene Park. Captain Malcolm and Chief Maddrey denied issuing any orders to officers to forcibly disperse protesters from the park. § 87(2)(b) described that PO2 entered a black Impala and left the area. Captain Malcolm testified that he was working in a grey Ford Taurus; Chief Maddrey testified that he was working in a black Ford Explorer. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The Detail Roster and 88th Precinct Roll Call listed nearly 50 officers who were white men and 10 Hispanic women who were deployed to Fort Greene. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation Recitation and Disposition:

§ 87(2)(b) refused to identify the friends he was with at Fort Greene Park. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) could only provide a general description of some of the subject officers (white male). For the subject officers whom § 87(2)(b) was able to describe in more detail, no evidence identifying any of these officers was available. No NYPD records related to § 87(2)(b) were identified. The Detail Rosters and event documents show that there was a large police presence within the 88th Precinct in response to the large demonstration and that there were numerous reported conditions around the precinct. Chief Maddrey said that given the chaotic conditions present that night, no documentation was prepared that outlined the deployments of officers who arrived from around the City to specific locations within the 88th Precinct. Numerous BWC videos were received from the NYPD; however, none depicted the interactions involved in this incident or any interactions at Fort Green Park at all. No other videos capturing this incident were identified.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
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Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the NYC Office of the Comptroller, § 87(2)(b) has not filed a Notice of Claim regarding this incident (though he filed one regarding his interactions with officers at the Barclay's Center earlier in the night (**Board Review 09-10**)).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in NYC (**Board Review 11**).

Squad No.: 13

Investigator: Rolando Vasquez SI Rolando Vasquez 03/21/21
Signature Print Title & Name Date

Squad Leader: Laura Kastner IM Laura Kastner 03/21/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date